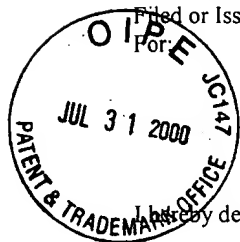


Applicant or Patentee:
Serial or Patent No.:
Filed or Issued:
For:

Jerry Pelletier, et al.
09/454,252
December 2, 1999
DEVELOPMENT OF NOVEL ANTI-MICROBIAL AGENTS BASED ON BACTERIOPHAGE
GENOMICS



**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(d) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: PHAGETECH, INC.
ADDRESS OF CONCERN: C.P. 387, Place du Parc
Montreal H2W 2N9, Quebec, Canada

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 CFR 121.3-18, and reproduced in 37 CFR 1.9(d) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **DEVELOPMENT OF NOVEL ANTI-MICROBIAL AGENTS BASED ON BACTERIOPHAGE GENOMICS**, by inventors Jerry Pelletier, Phillippe Gros, and Michael Dubow described in

- ☐ the specification filed herewith.
☒ application serial number 09/454,252, filed December 2, 1999.
☐ Patent No. _____, issued _____.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

**NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)*

NAME: _____
ADDRESS: _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Giovanni Ferrara
TITLE OF PERSON IN ORGANIZATION: CEO and President (by interim)
ADDRESS OF PERSON SIGNING: C.P. 387, Place du Parc
Montreal H2W 2N9, Quebec, Canada

Signature [Signature] Date 23.6.00



Patent
248/037

DECLARATION AND POWER OF ATTORNEY

Utility Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention **DEVELOPMENT OF NOVEL ANTI-MICROBIAL AGENTS BASED ON BACTERIOPHAGE GENOMICS** the specification of which

(Check One)

☐ is attached hereto OR

☒ was filed on December 2, 1999 as United States Application Serial No. 09/454,252; PCT International Application No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Date of Filing | Priority Claimed | |
|----------------------------------------|---------|----------------|------------------|----|
| | | | Yes | No |
| | | | | |

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date |
|-----------------------|------------------|
| 60/110,992 | December 3, 1998 |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Number | Parent Filing Date | Status-Patented, Pending or Abandoned |
|--------------------------------|-------------------|--------------------|---------------------------------------|
| 09/407,804 | | September 28, 1999 | Pending |
| | | | |

POWER OF ATTORNEY: As a named inventor, I hereby appoint as my attorney and/or agent, with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefor before any competent International Authorities in connection with any international patent application(s) corresponding to the above-identified invention application therewith:

Richard J. Warburg, Reg. No. 32,327; Jeffrey W. Guise, Reg. No. 34,613; Jessica R. Wolff, Reg. No. 37,261; Wesley Ames, Reg. No. 40,893; Douglas C. Murdock, Reg. No. 37,549; Daniel M. Chambers, Reg. No. 34,561; Robert W. Prince, Reg. No. 38,583; Bradford J. Duft, Reg. No. 32,219; of Brobeck, Phleger & Harrison LLP, 550 "C" Street, Suite 1300, San Diego, California 92101 telephone (619) 234-1966

| | | |
|-----------------------------------------------|--------------------------------------------------------------------------------|-----------------------------------------------------------------|
| Send Correspondence to: Richard J. Warburg | Brobeck, Phleger & Harrison LLP 12390 El Camino Real San Diego, CA 92130 | Direct Telephone calls to: (619) 234- 1966 or (858) 720-2500 |
|-----------------------------------------------|--------------------------------------------------------------------------------|-----------------------------------------------------------------|

Residence, post office address, citizenship and signature of inventor(s) set forth beginning on next page.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | | | | | |
|----------------------|-------------------------|------------------------|--------------------------------------------|------------------------------------|--------------------|
| 201 | FULL NAME OF INVENTOR | FIRST Name Jerry | MIDDLE Initial | LAST Name Pelletier | |
| | RESIDENCE & CITIZENSHIP | City Baie-D'Urfe | State or Foreign Country Quebec, Canada | Country of Citizenship Canada | |
| | POST OFFICE ADDRESS | 8 Lakeview | City Baie-D'Urfe | State or Country Quebec, Canada | Zip Code H9X3B1 |
| INVENTOR'S SIGNATURE | | <i>Jerry Pelletier</i> | | DATE <i>April 11, 2000</i> | |

| | | | | | |
|----------------------|-------------------------|------------------------|--------------------------------------------|------------------------------------|--------------------|
| 202 | FULL NAME OF INVENTOR | FIRST Name Philippe | MIDDLE Initial | LAST Name Gros | |
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| | POST OFFICE ADDRESS | 107 Montrose | City St. Lambert | State or Country Quebec, Canada | Zip Code J4R1X4 |
| INVENTOR'S SIGNATURE | | <i>Philippe Gros</i> | | DATE <i>April 15/2000</i> | |

| | | | | | |
|----------------------|-------------------------|-------------------------|--------------------------------------------|------------------------------------|--------------------|
| 203 | FULL NAME OF INVENTOR | FIRST Name Michael | MIDDLE Initial | LAST Name DuBow | |
| | RESIDENCE & CITIZENSHIP | City Montreal | State or Foreign Country Quebec, Canada | Country of Citizenship Canada | |
| | POST OFFICE ADDRESS | 4901 Coolbrook Avenue | City Montreal | State or Country Quebec, Canada | Zip Code H3X2K8 |
| INVENTOR'S SIGNATURE | | <i>Michael S. DuBow</i> | | DATE <i>14/4/2000</i> | |

| | | | | | |
|----------------------|-------------------------|------------|--------------------------|------------------------|----------|
| 204 | FULL NAME OF INVENTOR | FIRST Name | MIDDLE Initial | LAST Name | |
| | RESIDENCE & CITIZENSHIP | City | State or Foreign Country | Country of Citizenship | |
| | POST OFFICE ADDRESS | | City | State or Country | Zip Code |
| INVENTOR'S SIGNATURE | | | | DATE | |